

Coast Guard, DHS

§ 100.40

(1) He or she shall determine whether the proposed regatta or marine parade may be held in the proposed location with safety of life. To assist in his or her determination, he or she may, if he deems it necessary, hold a public hearing to obtain the views of all persons interested in, or who will be affected by, the regatta or marine parade.

(2) He or she will notify the individual or organization which submitted the application:

(i) That the application is approved, and the nature of the special local regulations, if any, which he or she will promulgate pursuant to §100.35; or

(ii) That the interest of safety of life on the navigable waters of the United States requires specific change or changes in the application before it can be approved; or

(iii) That the event requires no regulation or patrol of the regatta or marine parade area; or

(iv) That the application is not approved, with reasons for such disapproval.

[CGFR 63-22, 28 FR 5155, May 23, 1963, as amended by USCG-2003-15404, 68 FR 37740, June 25, 2003]

§ 100.30 Approval required for holding event.

(a) An event for which application is required under §100.15(a) shall be held only after approval of such event by the District Commander, except that applications referred to a State under §100.10 shall be governed by the laws of that State.

§ 100.35 Special local regulations.

(a) The Commander of a Coast Guard District, after approving the plans for the holding of a regatta or marine parade within his or her district, is authorized to promulgate such special local regulations as he or she deems necessary to insure safety of life on the navigable waters immediately prior to, during, and immediately after the approved regatta or marine parade. Such regulations may include a restriction upon, or control of, the movement of vessels through a specified area immediately prior to, during, and immediately after the regatta or marine parade.

(b) After approving the plans for the holding of a regatta or marine parade upon the navigable waters within his or her district, and promulgating special regulations thereto, the Commander of a Coast Guard District shall give the public full and adequate notice of the dates of the regatta or marine parade, together with full and complete information of the special local regulations, if there be such. Such notice should be published in the local notices to mariners.

(c) The special local regulations referred to in paragraph (a) of this section, when issued and published by the Commander of a Coast Guard District, shall have the status of regulations issued pursuant to the provisions of section 1 of the act of April 28, 1908, as amended (46 U.S.C. 454).

[CGFR 63-22, 28 FR 5155, May 23, 1963, as amended by USCG-2003-15404, 68 FR 37740, June 25, 2003]

§ 100.40 Patrol of the regatta or marine parade.

(a) The Commander of a Coast Guard District in which a regatta or marine parade is to be held may detail, if he or she deems the needs of safety require, one or more Coast Guard vessels to patrol the course of the regatta or marine parade for the purpose of enforcing not only the special local regulations but also for assistance work and the enforcement of laws generally.

(b) The Commander of a Coast Guard District may also utilize any private vessel or vessels to enforce the special local regulations governing a regatta or marine parade provided such vessel or vessels have been placed at the disposition of the Coast Guard pursuant to section 826 in Title 14, U.S. Code, for such purpose by any member of the Coast Guard Auxiliary, or any corporation, partnership, or association, or by any State or political subdivision thereof. Any private vessel so utilized shall have on board an officer or petty officer of the Coast Guard who shall be in charge of the vessel during the detail and responsible for the law enforcement activities or assistance work performed by the vessel during such detail. Any private vessel so utilized will display the Coast Guard ensign while engaged in this duty.